

Appl. No. 10/726,043
Amdt. Dated September 22, 2006
Reply to Office Action of August 23, 2006

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REMARKS

Applicant has cancelled claim 1, without prejudice, and has rewritten objected-to claim 6 in independent form, incorporating the substance of the subject matter of claim 1. Applicant has made claims 2-4 and 7-8 depend from claim 6 (now rewritten in independent form). Applicant has cancelled claims 18 and 19, without prejudice. No new matter is added. Assuming that the amendments are entered, claims 2-17 remain pending in the application.

Claim Rejections - 35 USC §103

Claims 1-2, 7, 9-10, 15, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashino et al (U.S. Patent No. 5,886,759) in view of Fukuda et al (U.S. Patent No. 5,898,166).

Responsive to rejection of claims 1-2, 7, and 18-19, Applicant has cancelled claims 1, 18, and 19; and has made claims 2 and 7 depend from objected-to claim 6 (now rewritten in independent form). As such, Applicant hereby submits that the rejection of claims 1-2, 7, and 18-19 is now moot.

In response to the rejection of claim 9, applicant submits that claim 9 is now patentable over the two cited references, as follows:

Independent claim 9, as previously presented, recites:

A method for using a locating device for measuring distances between dots of a light guide plate, comprising the steps of:

providing the locating device having a plurality of reference points marked thereon, the plurality of reference points being configured

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for locating of the dots;

**attaching the locating device to a surface of the light guide plate
that is opposite to the dots; and**

**gauging distances between the dots using a measuring instrument.
(Emphasis added.)**

Applicant submits that such a method for using a locating device for measuring distances between dots of a light guide plate as set forth in claim 9 is neither taught, disclosed, nor suggested by Mashino et al, Fukuda et al, or any of other cited references, taken alone or in combination.

Mashino et al fails to disclose or suggest that the “reference points” are “configured for locating of the dots”, as set forth in claim 9. In Mashino et al, the reflective sheet 38 with the section 1 in the form of colored dots printed on the reflective sheet at the end adjacent the light receiving edge face 65 of the light guide plate, as shown in FIG. 1, is provided for preventing light leakage (column 5, lines 7-15). As such, Mashino et al clearly fails to teach or suggest the “reference points being configured for locating of the dots” of claim 9. Instead, such colored dots on the reflective sheet 38 of Mashino et al are essentially configured for preventing light leakage.

The Examiner attempts to combine Fukuda et al with the disclosure of Mashino et al. However, neither of the references gives any teaching for one having ordinary skill in the art to combine Mashino et al and Fukuda et al to achieve the method of the present claim 9. Specifically, Fukuda et al does not address a problem with which Mashino et al is concerned, nor is it related to light guide plates and/or measurements associated therewith. (MPEP §2145.IX)

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In relation to the contention that Fukuda et al does not relate to light guide plates and/or measurements associated therewith, **the Examiner contends that "measuring distances between the dots of the light guide plate" is only part of the preamble and, therefore, has not been given patentable weight.** However, as set forth at MPEP §2111.02, it has been held that "[if] the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is necessary to give life, meaning, and vitality to the claim, then the claim preamble should be construed as if in the balance of the claim." *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999). See also *Jansen v. Rexall Sundown, Inc.*, 342 F.3d 1329, 1333, 68 USPQ2d 1154, 1158 (Fed. Cir. 2003). In this instance, the "dots" are expressly recited in both the "providing" and the "attaching" clauses within the body of that claim. Additionally, the "light guide plate" is mentioned within the "attaching" clause. Furthermore, the concept of "measuring distances between the dots" is addressed in the "gauging" clause. **As all the elements of the phrase "measuring distances between the dots of the light guide plate" are clearly incorporated within the claim body, the elements of such phrase accordingly must be given patentable weight, within the context of claim 9. Accordingly, it must be considered that Fukuda et al does not relate to light guide plates and/or measurements associated therewith, consistent with MPEP §2145.IX. That is, no proper motivation exists for modifying Mashino et al with Fukuda et al.**

Fukuda et al discloses an information reproduction system, which optically reads the code patterns in the form of optically readable codes from an information recording medium to reproduce the original multimedia information. The code position information is obtained by accurately computing the coordinates of the markers 48 and the data dots 42 that are

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read using the computed coordinates as reference coordinates (column 4, lines 30-34). In Fukuda et al, the markers 48 and the data dots 42 are recorded in the form of codes that can be read optically. A reading means is utilized to sense the codes by optically scanning (column 2, lines 13-15). The size of a marker 48 corresponds to the data dot size on a one-to-one basis, such a data dot size can be sensed by first finding the size of the marker 48 and estimating the dot size from the found marker size (column 5, lines 27-32).

That is, the markers 48 and the data dots 42 are arranged in a same sheet, and the marker 48 is used to accurately compute the code position in the same sheet. However, in the case of the present claim 9, the reference points are associated with the locating device, while the dots to be located are on the light guide plate. As such, Fukuda et al fails to teach or suggest "providing the locating device having a plurality of reference points marked thereon, the plurality of reference points being configured for locating of the dots, attaching the locating device to a surface of the light guide plate", as further set forth in the claim 9.

The combination of the reflective sheet 38 with section 1 printed thereon of Mashino et al and the measurement instrument of Fukuda et al is not suggestive of the method as set forth in claim 9. Particularly, the combination of references, even if they could be properly combined, does not disclose or suggest that the reference points are associated with the locating device, while the dots to be located are on the light guide plate. Thus, the combination of Mashino et al in view of Fukuda et al fails to teach or suggest each and every element as set forth in claim 9. According, claim 9 is submitted to be patentable over Mashino et al in view of Fukuda et al.

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Claims 10 and 15 directly depend from claim 9, which is in condition for allowance for the reasons set forth above, and, therefore, should also be allowable.

Claims 3-5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashino et al in view of Fukuda et al as applied to claims 1 and 9-10 above, and further in view of Suga et al (U.S. Patent No. 6,425,673).

Responsive to rejection of claims 3-5, Applicant has amended such claims to depend from objected-to claim 6 (now rewritten in independent form) and hereby submits that the rejection of claims 3-5 is now moot.

Claims 11-13 indirectly depend from claim 9, which is in condition for allowance for the reasons set forth above, and, therefore, should also be allowable.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashino et al in view of Fukuda et al as applied to claims 1 and 9 above, and further in view of Ide et al (U.S. Patent No. 6,865,325).

Responsive to rejection of claim 8, Applicant has amended such claim to depend from objected-to claim 6 (now rewritten in independent form) and submit that the rejection of claim 8 is now moot.

Claim 16 directly depend from claim 9, which is in condition for allowance for the reasons set forth above, and, therefore, should also be allowable.

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Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mashino et al in view of Fukuda et al as applied to claim 18 above, and further in view of Samworth et al (U.S. Patent No. 6,310,698).

Claim 17 directly depends from claim 9, which is in condition for allowance for the reasons set forth above, and, therefore, should also be allowable.

Allowable Subject Matter

The Examiner has objected to claims 6 and 14, indicating that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, for which consideration the Examiner is respectfully thanked. Applicants have rewritten claim 6 in independent form, according to the consideration of Examiner. Furthermore, claims 2-5, 7, and 8, by the above amendment, now depend directly or indirectly from claim 6 and, thus, should also be allowable.

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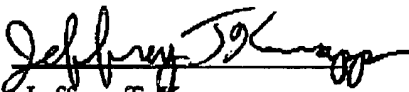
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Conclusion

In view of the foregoing, the present application as claimed in the pending claims is considered to be in a condition for allowance, and an action to this effect is earnestly requested.

Respectfully submitted,

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